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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOMOYA YOSHIDA

Appeal 2009-006216
Application 10/057,364
Technology Center 2400

Before, ROBERT E. NAPPI, CARL W. WHITEHEAD, JR. and
BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

This is a decision on appeal under 35 U.S.C. § 134(a) of the final rejection of claims 14-30.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse the Examiner's rejection of these claims.

INVENTION

The invention is directed to an apparatus that can automatically restore itself through the use of internet. This prevents a service from having to visit the site to fix the problem. *See Spec: 1-9.* Claim 14 is representative of the invention and reproduced below:

14. An apparatus administration system, comprising:
 - an administrated apparatus located in a first local network and connected to the Internet through a first firewall server of the first local network;
 - an administrating apparatus located in a second local network and connected to the Internet through a second firewall server of the second local network; and
 - a relaying server located outside the first and second local networks and connected to the Internet for enabling the administrated apparatus and the administrating apparatus to indirectly communicate with each other via the Internet;
 - wherein the administrated apparatus comprises: a transmitting section which transmits trouble type information to the relaying server through the first firewall server and the Internet, an accessing section which accesses the relaying server and obtains restoration work information based on the trouble type information from the relaying server through the first firewall server and the Internet, and a control section which controls the administrated apparatus to conduct an automatic restoration process in accordance with the restoration work information;

² Claims 1-13 were cancelled in an Amendment After Non-Final, filed September 28, 2005.

wherein the restoration work information is provided to the relaying server by the administrating apparatus through the second firewall server and the Internet; and

wherein the relaying server comprises a memory which stores the trouble type information transmitted from the administrated apparatus.

REFERENCES

Motoyama	US 5,887,216	Mar. 23, 1999
Teng	US 6,240,456 B1	May 29, 2001
Mui	US 6,362,870 B2	Mar. 26, 2002 (filed Oct. 26, 1998)
Wiklof	US 6,618,162 B1	Sep. 9, 2003 (filed Jan. 26, 1999)

REJECTIONS AT ISSUE

Claims 14-23 and 25-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Teng in view of Motoyama and Mui. Ans. 3-10.

Claims 24 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Teng in view of Motoyama, Mui, and Wiklof. Ans. 10.

ISSUE

35 U.S.C. § 103 rejections

Appellants argue on pages 10-26 of the Appeal Brief and pages 2-7 of the Reply Brief that the Examiner's rejection of claims 14-30 is in error. Appellant argues that Teng in view of Motoyama and Mui does not disclose the relaying server as claimed in independent claims 14, 25, and 28. App.

Br. 15-17, 20-24; Reply Br. 3-6. Dependent claims 15-24, 26-27, and 29-30 are dependent upon claims 14, 25, and 28 (respectively) and contain similar limitations to claims 14, 25, and 28.

Thus, with respect to claims 14-30, Appellant's contention presents us with the issue: Did the Examiner err in finding that Teng in view of Motoyama and Mui discloses the relaying server as claimed in independent claims 14, 25, and 28?³

ANALYSIS

35 U.S.C. § 103 rejections

Appellant's contention has persuaded us of error in the Examiner's rejection of claims 14, 25, and 28. Claim 14 recites "a relaying server located outside the first and second local networks and connected to the Internet...wherein the administrated apparatus...transmits trouble type information to the relaying server...controls the administrated apparatus to conduct an automatic restoration process...wherein the restoration work information is provided to the relaying server by the administrating apparatus...and wherein the relaying server comprises a memory which stores the trouble type information transmitted from the administrated apparatus." Independent claims 25 and 28 recite similar limitations. Claims 15-24, 26-27, and 29-30 depend upon independent claims 14, 25, and 28. Appellant argues that the combination of Teng with Motoyama and Mui

³ Appellant makes additional arguments regarding claims 14-30. App. Br. 10-26; Reply Br. 2-7. We do not reach these additional issues since the issue of whether Teng in view of Motoyama and Mui discloses the relay server as claimed in independent claims 14, 25, and 28 is dispositive of the case.

does not disclose the relaying server as described in the independent claims. App. Br. 15-17, 20-24; Reply Br. 3-6. We agree.

The Examiner has not shown how the combination of Teng with Motoyama and Mui discloses the relaying server as claimed. Specifically, the Examiner has not shown: (1) that the relay server is located outside of both local networks and connected to the Internet; (2) that the printer, i.e., administrated apparatus, sends information to the relaying server; (3) that an automatic restoration process is conducted in accordance with the restoration work information; (4) that the administrating apparatus provides the restoration work information to the relaying server; and (5) that the relaying server comprises a memory that stores the trouble type information. Some of these functions are shown in the references, but the Examiner has not shown how the teachings of Teng with Motoyama and Mui suggest performing these functions in one relay server. The additional teachings of Wiklof do not make up for the deficiencies noted above. As such, we do not sustain the Examiner's rejection of claims 14-30.

CONCLUSION

The Examiner erred in finding that Teng in view of Motoyama and Mui discloses the relaying server as claimed in independent claims 14, 25, and 28.

SUMMARY

The Examiner's decision to reject claims 14-30 under 35 U.S.C. § 103(a) is reversed.

Appeal 2009-006216
Application 10/057,364

REVERSED

ELD

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